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**BRINKS
HOFER
GILSON
&LIONE**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: G. Victor Guyan et al.

Appln. No.: 09/667,611

Filed: September 22, 2000

For: CAPTURE HIGHLY REFINED CLAIM
EVALUATION INFORMATION ACROSS
MULTIPLE WEB INTERFACES

Examiner: Frenel, Vanel

Art Unit: 3626

Attorney Docket No: 10022/219

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

☒ New Summary of Claimed Subject Matter (original and 1 copy), Response to Second Notification of Non-Compliant Appeal Brief.

☒ Return Receipt Postcard.

Fee calculation:

☒ No additional fee is required.

☐ Small Entity.

☐ An extension fee in an amount of $_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).

☐ A petition or processing fee in an amount of $_____ under 37 C.F.R. § 1.17(_____).

☐ An additional filing fee has been calculated as shown below:

	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra		Small Entity		or	Not a Small Entity	
						Rate	Add'l Fee		Rate	Add'l Fee
Total		Minus				x $25=			x $50=	
Indep.		Minus				X100=			x $200=	
First Presentation of Multiple Dep. Claim						+$180=			+ $360=	
						Total	$		Total	$

Fee payment:

☐ A check in the amount of $_____ is enclosed.

☐ Please charge Deposit Account No. 23-1925 in the amount of $_____. A copy of this Transmittal is enclosed for this purpose.

☐ Payment by credit card in the amount of $_____ (Form PTO-2038 is attached).

☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

May 18, 2007
Date

John C. Freeman, Esq. (Reg. No. 34,483)

Our Case No. 10022/219

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
G. Victor Guyan et al.   )
)
Serial No. 09/667,611   )   Examiner: Frenel, Vanel
)
)   Group Art Unit No. 3626
Filing Date: September 22, 2000   )
)
For   CAPTURE HIGHLY REFINED   )
      CLAIM EVALUATION   )
      INFORMATION ACROSS   )
      MULTIPLE WEB INTERFACES   )

RESPONSE TO SECOND NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

On December 20, 2006, Appellants filed a Response to Notification of Non-Compliant Appeal Brief that was an attempt to overcome the objections to Appellants' Appeal Brief mentioned in the Notification of Non-Compliant Appeal Brief. Unfortunately, on April 18, 2007, a second Notification of Non-Compliant Appeal Brief ("the second Notification") was mailed in which it was asserted that Appellants' New Supplemental Appeal Brief filed on December 20, 2006 did not contain a concise explanation of the subject matter defined in each of the independent claims. The second Notification

provided no concise reasons why Appellants' New Supplemental Appeal Brief was improper other than to state: "Applicant's (sic) is (sic) advised to consult MPEP 1206, 37 CFR 1.192(c)."

Appellants have reviewed MPEP 1206 and 37 CFR 1.192(c) and have found nothing in those sections that remotely suggest that Appellants' New Supplemental Appeal Brief is of improper form. Indeed, 37 CFR 1.192(c) is no longer applicable and MPEP 1206 regards amendments, affidavits or other evidence filed with or after appeal. The applicable sections are MPEP 1205 and 37 CFR 41.37 which do not suggest that Appellants' New Supplemental Appeal Brief is of improper form. If Appellants' New Supplemental Appeal Brief is objected to after the filing of the present paper, Appellants demand a more concise reason for the objection and concrete steps to overcome the objection. Furthermore, Appellants demand that the proper sections of the MPEP and CFR be reviewed and cited to support any further objections.

Despite the improperness of the objection, a new Summary of the Claimed Subject Matter Section is being filed concurrently with the present Response so as to replace the Summary of the Claimed Subject Matter Section of the New Supplemental Appeal Brief filed on December 20, 2006. Since the new Summary of the Claimed Subject Matter Section only includes several paragraphs that show examples of each of the recited

elements of the independent claims, it is believed that the objections to the New

Supplemental Appeal Brief have been overcome.

Respectfully submitted,

John C. Freeman
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Dated: May 18, 2007

SUMMARY OF CLAIMED SUBJECT MATTER

Claim 1 claims the invention as a method for capturing line item level data by a processing system. The recited method includes receiving claim identification information from a client computer, wherein the claim identification information identifies an insurance claim. An example of such a client computer is client computer 110 of FIGS. 1 and 2 (P. 5, ll. 18-20, P. 6, ll. 1-4 and 19-23). An example of the recited processing system is insurance host server 130 of FIGS. 1 and 5 which can perform the receiving claim identification information from a client computer, wherein the claim identification information identifies an insurance claim such as shown in FIG. 6 (P. 15, ll. 1-3 and 8-11). The recited method includes "presenting the client computer with an option to enter line item data regarding the claim through a web-based process or through a spreadsheet." An example of presenting such an option is shown in steps 616; 618; 620; 622; 624; 626; 628; 630 and 632 of FIG. 6 (P. 16, ll. 12-16 and 19-21, P. 17, ll. 3-14, 18-23 and P. 18, ll. 1-5 and 14-15). The method of claim 1 recites that the following processes are performed when the spreadsheet option is selected: 1) "querying the client computer to determine whether a spreadsheet appropriate for the type of insurance claim needs to be downloaded to the client computer, the spreadsheet receives the line item data"; 2) "downloading the

spreadsheet appropriate for the type of insurance claim to the client computer";

3) "inserting line item data into the spreadsheet appropriate for the type of

insurance claim"; 4) "aggregating the line item data collected from the client

computer"; and 5) "storing the line item data in an insurance host server."

Examples of such processes are shown in steps 622; 624; 626; 628; 630 and

632 of FIG. 6 (P. 16, ll. 19-21, P. 17, ll. 3-8 and P. 18, ll. 14-15).

The method of claim 1 recites that the following processes are performed

when the web-based process option is selected: 1) "providing the client

computer with an item tree of line item data based on the line level"; 2)

"aggregating the line item data collected from the client computer"; and 3)

"storing the line item data in an insurance host server." Examples of such

processes are shown in steps 616; 618; 620 and 622 of FIG. 6 (P. 17, ll. 9-14,

18-23 and P. 18, ll. 1-5 and 14-15).

Claim 15 claims the invention as a system for capturing line item level

data that includes a processor for executing programs and a memory for storing

a program executable by the processor. An example of such a processor and

memory can be found in insurance host server 130 of FIGS. 1 and 5. Claim 15

recites various instructions for the memory to perform. Such processes are similar to those recited in claim 1 and so the examples of processes mentioned previously with respect to claim 1 apply equally with respect to the instructions performed by the memory of claim 15.

Claim 29 claims the invention as a computer readable medium containing instructions for controlling a computer system to perform a method for capturing line item level data. An example of such a computer readable medium can be found in insurance host server 130 of FIGS. 1 and 5. Claim 29 recites various processes for the computer readable medium to control the computer system to perform. Such processes are similar to those recited in claim 1 and so the examples of processes mentioned previously with respect to claim 1 apply equally with respect to the instructions performed by the memory of claim 29.

There are no means-plus-function terms or step-plus-function terms in independent claims 1, 15, 29 and dependent claims 3-5, 9-12, 17-19, 23-26, 31-33, 37-40 and 43-45, which are argued separately below in Section VII.

V. **SUMMARY OF CLAIMED SUBJECT MATTER**

Claim 1 claims the invention as a method for capturing line item level data by a processing system. The recited method includes receiving claim identification information from a client computer, wherein the claim identification information identifies an insurance claim. An example of such a client computer is client computer 110 of FIGS. 1 and 2 (P. 5, ll. 18-20, P. 6, ll. 1-4 and 19-23). An example of the recited processing system is insurance host server 130 of FIGS. 1 and 5 which can perform the receiving claim identification information from a client computer, wherein the claim identification information identifies an insurance claim such as shown in FIG. 6 (P. 15, ll. 1-3 and 8-11). The recited method includes "presenting the client computer with an option to enter line item data regarding the claim through a web-based process or through a spreadsheet." An example of presenting such an option is shown in steps 616; 618; 620; 622; 624; 626; 628; 630 and 632 of FIG. 6 (P. 16, ll. 12-16 and 19-21, P. 17, ll. 3-14, 18-23 and P. 18, ll. 1-5 and 14-15). The method of claim 1 recites that the following processes are performed when the spreadsheet option is selected: 1) "querying the client computer to determine whether a spreadsheet appropriate for the type of insurance claim needs to be downloaded to the client computer, the spreadsheet receives the line item data"; 2) "downloading the

spreadsheet appropriate for the type of insurance claim to the client computer";

3) "inserting line item data into the spreadsheet appropriate for the type of

insurance claim"; 4) "aggregating the line item data collected from the client

computer"; and 5) "storing the line item data in an insurance host server."

Examples of such processes are shown in steps 622; 624; 626; 628; 630 and

632 of FIG. 6 (P. 16, ll. 19-21, P. 17, ll. 3-8 and P. 18, ll. 14-15).

The method of claim 1 recites that the following processes are performed

when the web-based process option is selected: 1) "providing the client

computer with an item tree of line item data based on the line level"; 2)

"aggregating the line item data collected from the client computer"; and 3)

"storing the line item data in an insurance host server." Examples of such

processes are shown in steps 616; 618; 620 and 622 of FIG. 6 (P. 17, ll. 9-14,

18-23 and P. 18, ll. 1-5 and 14-15).

Claim 15 claims the invention as a system for capturing line item level

data that includes a processor for executing programs and a memory for storing

a program executable by the processor. An example of such a processor and

memory can be found in insurance host server 130 of FIGS. 1 and 5. Claim 15

recites various instructions for the memory to perform. Such processes are similar to those recited in claim 1 and so the examples of processes mentioned previously with respect to claim 1 apply equally with respect to the instructions performed by the memory of claim 15.

Claim 29 claims the invention as a computer readable medium containing instructions for controlling a computer system to perform a method for capturing line item level data. An example of such a computer readable medium can be found in insurance host server 130 of FIGS. 1 and 5. Claim 29 recites various processes for the computer readable medium to control the computer system to perform. Such processes are similar to those recited in claim 1 and so the examples of processes mentioned previously with respect to claim 1 apply equally with respect to the instructions performed by the memory of claim 29.

There are no means-plus-function terms or step-plus-function terms in independent claims 1, 15, 29 and dependent claims 3-5, 9-12, 17-19, 23-26, 31-33, 37-40 and 43-45, which are argued separately below in Section VII.